

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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JOEL PENTLARGE, :
Plaintiff :
v. : CIVIL ACTION NO. 04-30177-PBS

ROBERT MURPHY, et al. :
Defendants :
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**PLAINTIFF'S OPPOSITION TO DEFENDANTS
ROBERT MURPHY AND KATHLEEN DENNEHY'S
MOTION TO DISMISS THIRD SUPPLEMENTAL COMPLAINT**

Defendants Robert Murphy and Kathleen Dennehy have moved this Honorable Court to dismiss plaintiff's Third Supplemental Complaint on the grounds that plaintiff's allegations contained therein fail to state a claim against Superintendent Murphy and Commissioner Dennehy (collectively, the "DOC Defendants") for interference with mail because: (1) exclusion of the e-mailed material does not violate plaintiff's constitutional rights; (2) DOC Defendants are entitled to the protection of qualified immunity; and (3) no violation of the mail regulations has occurred. Plaintiff hereby opposes the dismissal of his Third Supplemental Complaint relating to the DOC Defendants for the reasons stated in his original memorandum of law in opposition to the motions to dismiss of all the defendants, submitted on May 20, 2005, and for the additional reasons stated in the accompanying memorandum of law.

Dated:

Respectfully submitted,
By his attorney:

/s/ John G. Swomley

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Certificate of Service

I hereby certify that I caused a copy of the within document to be served by first class mail, postage pre-paid as follows: (1) Mary P. Murray, counsel for Defendants Massachusetts Department of Correction, Kathleen Dennehy and Robert Murphy, 30 Administration Road, Bridgewater, MA 02324; and (2) Kevin Mulvey, counsel for defendants Pushkina and O'Donnell, Mulvey & Sneider, LLP, 1622A Beacon Street, Brookline, MA 02446-2201.

/s/ Danielle Andreasi

Danielle Andreasi

Dated: